

BILL NO. **85-47**

AS AMENDED

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 85-47 (AS AMENDED)

Introduced by Council President Hardwicke at the
request of the County Executive
Legislative Day No. 85-25 Date September 10, 1985

AN EMERGENCY ACT to repeal and re-enact with amendments Article I,
heading, [In General], SEDIMENT CONTROL, of
Chapter 10, heading, Sediment Control AND
STORMWATER MANAGEMENT, of the Harford County
Code, as amended; to provide for necessary
changes to the existing sediment control law, and
to further provide for a new sediment control law
in Harford County.

By the Council, September 10, 1985

Introduced, read first time, ordered posted and public hearing scheduled

on: October 3, 1985

at: 7:00 P.M.

By Order: Angela Tharkowski, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and
title of Bill having been published according to the Charter, a public hearing
was held on October 3, 1985
and concluded on October 3, 1985

Angela Tharkowski, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing
law. Underlining indicates language added to
Bill by amendment. Language lined through
indicates matter stricken out of Bill by
amendment.

85-47
BILL NO. **AS AMENDED**

1 Section 1. Be It Enacted By The County Council of Harford County,
2 Maryland, that Article I, heading, [In General,] SEDIMENT CONTROL,
3 of Chapter 10, heading, Sediment Control AND STORMWATER MANAGE-
4 MENT, of the Harford County Code, as amended, be, and it is hereby
5 repealed and re-enacted with amendments, all to read as follows:

6 Chapter 10. Sediment Control AND STORMWATER MANAGEMENT.

7 Article I. [In General] SEDIMENT CONTROL.

8 Section 10.1. Definitions.

9 (a) For the purpose of this Article, the following words and
10 phrases shall have the meanings respectively ascribed to them by
11 this section:

12 [Agreement. The County sediment control agreement authoriz-
13 ing land disturbing activities of less than twenty-two thousand
14 (22,000) square feet and involving less than five hundred (500)
15 cubic yards of earth movement.]

16 AGREEMENT. THE COUNTY SEDIMENT CONTROL AGREEMENT AUTHORIZ-
17 ING LAND DISTURBING ACTIVITIES BETWEEN ONE THOUSAND FIVE HUNDRED
18 (1,500) AND FIFTEEN THOUSAND (15,000) SQUARE FEET OF DISTURBED
19 AREA AND OR INVOLVING BETWEEN ONE HUNDRED (100) AND ~~FOUR HUNDRED~~
20 ~~(400)~~ FIVE HUNDRED (500) CUBIC YARDS OF EARTH MOVEMENT.

21 Agreement Holder. Any person to whom an agreement is issued
22 pursuant to this article.

23 AGRICULTURAL LAND MANAGEMENT PRACTICES. THOSE METHODS AND
24 PROCEDURES USED IN THE FARMING OF LAND, INCLUDING BUT NOT LIMITED
25 TO: THE PLANTING, THINNING, AND HARVESTING OF CHRISTMAS TREES,
26 SHRUBS, OR ORCHARD TREES, THE CLEARING OF LAND FOR AGRICULTURAL
27 PURPOSES, INCLUDING BUT NOT LIMITED TO: FENCE ROWS, HEDGE ROWS,
28 CREATING NEW FARM FIELDS, OR THE RECLAMATION OF PREVIOUSLY TILLED
29 LAND WHEN ASSOCIATED WITH ON-GOING FARMING OPERATIONS, AND THE
30 CULTIVATION OF LAND IN ORDER TO FURTHER CROP AND LIVESTOCK
31
32

85-47

AS AMENDED

1 PRODUCTION AND CONSERVATION OF RELATED SOIL AND WATER RESOURCES.
2 COMMERCIAL LOGGING AND TIMBER REMOVAL OPERATIONS MAY NOT BE
3 CONSIDERED A PART OF THIS DEFINITION.

4 [Angle of Repose. The angle between the horizontal and the
5 maximum slope that a soil assumes through natural processes.]

6 Approved Plan. A set of representational drawings or other
7 documents submitted by an applicant as a prerequisite to obtaining
8 a grading permit and containing such information and specifi-
9 cations as required by the Department and the District under
10 regulations adopted in accordance with established procedures in
11 order to minimize off-site sedimentation from land disturbing
12 activities, and approved by the District as being adequate to meet
13 the requirements of Title 8, Subtitle 11, Natural Resources
14 Article, Annotated Code of Maryland, 1974, and approved by the
15 Department as being adequate to meet the provisions of this
16 Article.

17 Department. The Department of [Inspections, Licenses and
18 Permits.] PUBLIC WORKS.

19 [Developer. A person, partnership or corporation construc-
20 ting more than one (1) house, or one (1) house or building, for
21 occupancy by other than the builder.]

22 Director. The Director of the Department of [Inspections,
23 Licenses and Permits.] PUBLIC WORKS.

24 District. The Harford Soil Conservation District.

25 Erosion. The process by which the land surface is worn by
26 the action of wind [or], water, ice or gravity.

27 Excavating. Any act by which soil, earth, sand, gravel,
28 rock or any similar material is cut into, dug, quarried,
29 uncovered, removed, displaced, relocated or bulldozed, including
30 the conditions resulting therefrom.

85-47

AS AMENDED

1 Fence, Approved. A permanent, semipermanent, or portable
2 fence not less than forty-eight inches in height, so constructed
3 and so located as approved by the permit, to surround sediment
4 basins, steep excavations or ponding areas where it is necessary
5 for the preservation of the health, safety, and general welfare of
6 the public or necessary to prevent possible point or nonpoint
7 sources of pollution.

8 Fill, Filled, Filling. Any act by which soil, earth, sand,
9 gravel, rock or any similar material is deposited, placed, pushed,
10 pulled, or transported, and shall include the conditions resulting
11 therefrom.

12 Finished Grade. The final grade or elevation of the ground
13 surface, which shall conform to the approved grading plan.

14 FOREST HARVEST OPERATIONS. THE COMMERCIAL LOGGING OR
15 HARVESTING OF TIMBER BY CUTTING TREES AT OR ABOVE GROUND LEVEL,
16 INCLUDING BUT NOT LIMITED TO, THE ASSOCIATED HAUL ROADS, SKID
17 TRAILS AND STAGING AREAS.

18 FOREST HARVEST PERMIT. A COUNTY PERMIT AUTHORIZING FOREST
19 HARVEST OPERATIONS WHICH WILL DISTURB LAND IN EXCESS OF FIVE
20 THOUSAND (5,000) SQUARE FEET, OR THE MOVEMENT OF ONE HUNDRED (100)
21 OR MORE CUBIC YARDS OF EARTH.

22 Grading. Any act by which soil is cleared, stripped,
23 stockpiled, filled, or any combination thereof.

24 Inspector. The representatives of the Director of the
25 Department of [Inspections, Licenses and Permits] PUBLIC WORKS
26 assigned to approve or disapprove any plans, permits or work, or a
27 representative of the Director of the Department of Public Works
28 who will have sediment control monitoring responsibility on sites
29 where the Department of Public Works inspector has primary
30 inspection responsibility.
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1 Land Disturbing Activity. Any earth movement and land
2 changes which may result in soil erosion from water or wind and
3 the movement of sediments into any waters or waterways or onto any
4 lands in the state, including, but not limited to, tilling,
5 clearing, grading, excavating, stripping, filling and related
6 activities and the covering of land surfaces with an impermeable
7 material.

8 Natural Ground Surface. The ground surface in its existing
9 state before grading, stripping, excavating or filling and other
10 land disturbing activities commence or continue after the
11 effective date of this act.

12 [Normal Agricultural Practices. Those devices and proce-
13 dures utilized in the cultivation of land in order to further
14 crop and livestock production, and conservation of related soil
15 and water resources. Roads or similar access construction for
16 logging and timber removal operations shall not be considered part
17 of this definition.]

18 PERMANENT BORROW AREA. AN EXCAVATION YIELDING MATERIAL IN
19 EXCESS OF ONE THOUSAND (1,000) CUBIC YARDS, WHICH WILL NOT BE
20 FILLED IN OR RESTORED TO PREVIOUSLY EXISTING CONTOURS. THIS
21 DEFINITION SHALL NOT APPLY TO AREAS WITHIN A SURFACE MINE'S
22 AFFECTED LAND AS DEFINED IN THE NATURAL RESOURCES ARTICLE OF THE
23 ANNOTATED CODE OF MARYLAND.

24 PERMANENT STABILIZATION. A PRACTICE WHERE SEEDING OR
25 STRUCTURAL METHODS, APPLIED PER THE STANDARDS AND SPECIFICATIONS,
26 RESULT IN A COVER TO PERMANENTLY PREVENT EROSION FROM OCCURRING.

27 PERMANENT STOCK PILE AREA. AN AREA WHERE MATERIAL IN EXCESS
28 OF ONE THOUSAND (1,000) CUBIC YARDS IS PLACED, AND MATERIAL WILL
29 NOT BE REMOVED OR RESTORED TO THAT AREA'S PREVIOUSLY EXISTING
30 CONTOURS. THIS DEFINITION SHALL NOT APPLY TO AREAS WITHIN A
31 SURFACE MINE'S AFFECTED LAND, AS DEFINED IN THE NATURAL RESOURCES
32 ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

85-47

AS AMENDED

1 Permit. The County grading permit issued by the Department,
2 authorizing land disturbing activities in excess of [twenty-two
3 thousand (22,000) square feet or moving five hundred (500)]
4 FIFTEEN THOUSAND (15,000) SQUARE FEET OR MOVING FOUR HUNDRED
5 ~~(400)~~ FIVE HUNDRED (500) or more cubic yards or earth in any
6 continuous twelve (12) month period and also in accordance with
7 the requirements in this article.

8 Permit Holder. Any person to whom a permit is issued
9 pursuant to this Article.

10 [Person. Any person, corporation, partnership, joint
11 venture, agency, unincorporated association, municipal corpora-
12 tion, County or State agency within the State or any combination
13 thereof.]

14 Professional Architect. An architect duly registered by the
15 State to practice professional architecture, [including landscape
16 architects.] IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 56 OF
17 THE ANNOTATED CODE OF MARYLAND.

18 Professional Engineer. An engineer duly registered by the
19 State to practice professional engineering under the requirements
20 of Article 75 1/2 of the Annotated Code of Maryland, 1957, as
21 amended.

22 Professional Land Surveyor. A person who has been duly
23 registered and licensed under the requirements of Article 75 1/2
24 of the Annotated Code of Maryland, 1957, as amended.

25 PROFESSIONAL LANDSCAPE ARCHITECT. A PERSON DULY REGISTERED
26 BY THE STATE TO PRACTICE LANDSCAPE ARCHITECTURE IN ACCORDANCE WITH
27 THE PROVISIONS OF ARTICLE 56 OF THE ANNOTATED CODE OF MARYLAND.

28 REGISTERED PROFESSIONAL FORESTER. A PERSON DULY REGISTERED
29 UNDER THE REQUIREMENTS OF ARTICLE 56 OF THE ANNOTATED CODE OF
30 MARYLAND.

85-47

AS AMENDED

1 RESPONSIBLE PERSONNEL. ANY FOREMAN, SUPERINTENDENT, OR
2 PROJECT ENGINEER WHO IS RESPONSIBLE FOR ON-SITE CLEARING AND
3 GRADING OPERATIONS OR SEDIMENT CONTROLS ASSOCIATED WITH EARTH
4 CHANGES OR LAND DISTURBANCES.

5 Sediment. [Soils or other surface or subsurface materials
6 transported by wind or surface water as a product of erosion.]
7 ANY SOIL OR OTHER SURFACE OR SUBSURFACE MATERIALS TRANSPORTED OR
8 DEPOSITED BY THE ACTION OF WIND, WATER, ICE, GRAVITY, OR
9 ARTIFICIAL MEANS.

10 Site. Any coterminous lots, tracts or parcels of land, or a
11 series thereof, where grading, excavating or filling is, was, or
12 will be performed.

13 Slope. The inclined surface of a fill, excavation or
14 natural terrain.

15 Soil. Any earth, sand, gravel, rock or other similar
16 material.

17 STANDARDS AND SPECIFICATIONS. THE 1983 CURRENT MARYLAND
18 STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT
19 CONTROL (HEREINAFTER REFERRED TO AS "STANDARDS AND SPECIFICAT-
20 IONS").

21 Stripping. Any activity which removes the vegetative
22 surface cover, including tree removal, clearing, grubbing and
23 storage or removal of topsoil.

24 TEMPORARY BORROW AREA. AN EXCAVATION WHICH YIELDS MATERIAL
25 IN EXCESS OF ONE THOUSAND (1,000) CUBIC YARDS WHICH WILL BE FILLED
26 IN OR RESTORED TO PREVIOUSLY EXISTING CONTOURS WITHIN TWO (2)
27 YEARS FROM DATE OF COMMENCEMENT. THIS DEFINITION SHALL NOT APPLY
28 TO AREAS WITHIN A SURFACE MINE'S AFFECTED LAND, AS DEFINED IN THE
29 NATURAL RESOURCES ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

30 TEMPORARY STABILIZATION. A PRACTICE WHICH IS USED TO
31 PROVIDE A SHORT TERM PROTECTION AGAINST EROSION AS SET FORTH IN
32 THE STANDARDS AND SPECIFICATIONS.

1 TEMPORARY STOCKPILE AREA. AN EXCAVATION WHICH YIELDS
2 MATERIAL IN EXCESS OF ONE HUNDRED ~~(100)~~ THOUSAND (1,000) CUBIC
3 YARDS WHICH WILL BE STORED DURING CONSTRUCTION OR BETWEEN PHASES
4 OF CONSTRUCTION AND WILL BE REMOVED AND RESTORED TO PREVIOUSLY
5 EXISTING CONTOURS WITHIN TWO (2) YEARS FROM INITIAL PLACEMENT.
6 THIS DEFINITION SHALL NOT APPLY TO A SURFACE MINE'S AFFECTED LAND,
7 AS DEFINED IN THE NATURAL RESOURCES ARTICLE OF THE ANNOTATED CODE
8 OF MARYLAND.

9 VARIANCE. A MODIFICATION OF THE CRITERIA SET FORTH IN THE
10 STANDARDS AND SPECIFICATIONS.

11 Watercourse or Drainageway. Any natural or artificial
12 watercourse, including, but not limited to, streams, rivers,
13 creeks, ditches, channels, canals conduits, culverts, drains,
14 waterways, gullies, ravines or washes, in which water flows in a
15 definite direction or course, either continuously or intermit-
16 tently, and including any area adjacent thereto which is subject
17 to inundation by reason of overflow or floodwater.

18 WETLANDS.--AN-AREA-THAT-HAS-SATURATED-SOILS-OR-PERIODIC-HIGH
19 GROUND WATER LEVELS AND VEGETATION ADAPTED TO WET CONDITIONS AND
20 PERIODIC-FLOODING.

21 Section 10-2. Permits and Agreements.

22 (a) No person shall engage in any land disturbing activity
23 over [twenty-two thousand (22,000)] FIFTEEN THOUSAND (15,000)
24 square feet or moving more than [five hundred (500)] FOUR HUNDRED
25 ~~(400)~~ FIVE HUNDRED (500) cubic yards of earth in any continuous
26 twelve (12) month period, without first obtaining a permit from
27 the [Department of Inspections, Licenses and Permits] COUNTY,
28 except as provided for in this Article.

29 (b) No person shall engage in any land disturbing activity
30 less than [twenty-two thousand (22,000)] FIFTEEN THOUSAND (15,000)
31 square feet or less than [five hundred (500)] FOUR HUNDRED ~~(400)~~
32 FIVE HUNDRED (500) cubic yards of earth movement in any continuous

1 twelve (12) month period without first executing a sediment
2 control agreement [from] WITH the [Department of Inspections,
3 Licenses and Permits] COUNTY, except as provided for in this
4 Article.

5 (c) NO PERSON SHALL ENGAGE IN ANY LAND DISTURBING ACTIVITY
6 OVER FIVE THOUSAND (5,000) SQUARE FEET ,OR THE MOVEMENT OF ONE
7 HUNDRED (100) OR MORE CUBIC YARDS OF EARTH WHEN ASSOCIATED WITH A
8 FOREST HARVEST OPERATION, DURING ANY CONTINUOUS TWELVE (12) MONTH
9 PERIOD, WITHOUT FIRST OBTAINING A FOREST HARVEST PERMIT FROM THE
10 COUNTY, EXCEPT AS PROVIDED FOR IN THIS ARTICLE.

11 [(c)] (d) Any land disturbing activity must comply with
12 Harford County's stormwater control ordinance, Harford County Code
13 Chapter 10, Article II.

14 [(d)] (e) Nothing set forth in this Article shall be
15 construed to conflict with Title 8, Subtitle 11, Natural Resources
16 Article, Annotated Code of Maryland, [1974,] as amended. As
17 provided by the Annotated Code of Maryland, any individual or
18 group of individuals can be held responsible for the pollution of
19 State waters regardless of any exemption clause included in this
20 Article.

21 [(e)] (f) No permit , FOREST HARVEST PERMIT, or agreement
22 shall be required under this Article for the following:

23 (1) [Normal Agricultural Practices.] AGRICULTURAL LAND
24 MANAGEMENT PRACTICES.

25 (2) Individual private septic systems which do not alter
26 the natural terrain.

27 [(3) Authorized Harford County capital movement and
28 public works projects; provided that sediment and erosion control
29 measures have been and are being employed in accordance with an
30 approved plan for grading, erosion and sediment control approved
31 by the District.]
32

1 (3) Grading and trenching for utility installations upon
2 sites covered by an approved sediment control plan and grading
3 permit, provided, however, that any erosion or sediment control
4 measures, including vegetative measures that are disturbed by a
5 utility installation must be re-established by the end of each
6 work day.

7 (4) Any "affected land" area (as defined in the Natural
8 Resources Article of the Annotated Code of Maryland) of mining
9 operations for which a surface mining permit has been issued by
10 the State of Maryland Department of Natural Resources; provided
11 sediment and erosion control measures are employed to protect
12 against off-site damage in accordance with the plan approved by
13 the District and filed with the [Department of Inspections,
14 Licenses and Permits of Harford] County.

15 (5) [Minor] Land disturbing activities of less than [five
16 hundred (500)] ONE THOUSAND FIVE HUNDRED (1,500) square feet and
17 OR involving less than [twenty (20)] ONE HUNDRED (100) cubic
18 yards of earth movement.

19 (6) CLEARING OR GRADING ACTIVITIES THAT ARE SUBJECT
20 EXCLUSIVELY TO STATE APPROVAL AND ENFORCEMENT UNDER STATE LAW AND
21 REGULATIONS.

22 (7) THE CUTTING OF PAULOWNIA TREES OR VENEER LOGS, PROVIDED
23 THESE ACTIVITIES DO NOT CAUSE LAND DISTURBANCE GREATER THAN FIVE
24 THOUSAND (5,000) SQUARE FEET OR THE MOVEMENT OF EARTH GREATER THAN
25 ONE HUNDRED (100) CUBIC YARDS.

26 (8) THE CUTTING OF TREES ON PRIVATE PROPERTY FOR PERSONAL
27 USE BY THE PROPERTY OWNER, PROVIDED THIS ACTIVITY DOES NOT CAUSE
28 LAND DISTURBANCE GREATER THAN FIVE THOUSAND (5,000) SQUARE FEET OR
29 THE MOVEMENT OF EARTH GREATER THAN ONE HUNDRED (100) CUBIC YARDS.

30 (9) THE CONSTRUCTION OF AGRICULTURAL STRUCTURES OR THE
31 CONSTRUCTION OF SINGLE-FAMILY RESIDENCES OR THEIR ACCESSORY
32 BUILDINGS ON LOTS OF TWO (2) ACRES OR MORE.

85-47

AS AMENDED

1 (10) CUTTING OF TREES FOR FIREWOOD, PROVIDED THIS ACTIVITY
2 DOES NOT CAUSE LAND DISTURBANCE GREATER THAN FIVE THOUSAND (5,000)
3 SQUARE FEET OR THE MOVEMENT OF EARTH GREATER THAN ONE HUNDRED (100)
4 CUBIC YARDS.

5 (11) FOREST HARVEST OPERATIONS INVOLVING LESS THAN FIVE
6 THOUSAND (5,000) SQUARE FEET OF LAND DISTURBANCE OR LESS THAN ONE
7 HUNDRED (100) CUBIC YARDS OF EARTH MOVEMENT.

8 (12) FOREST HARVEST OPERATIONS WITH A VALID FOREST HARVEST
9 PERMIT ARE EXEMPT FROM NEEDING A GRADING PERMIT OR SEDIMENT
10 CONTROL AGREEMENT.

11 (g) COUNTY CAPITAL IMPROVEMENT PROJECTS THAT HAVE AN EROSION
12 AND SEDIMENT CONTROL PLAN APPROVED BY THE DISTRICT ARE REQUIRED TO
13 APPLY FOR A PERMIT; HOWEVER, THE REQUIRED FEE SHALL BE WAIVED.
14 BONDING AND INSURANCE REQUIREMENTS AS SET FORTH BY THIS ARTICLE
15 SHALL BE WAIVED, PROVIDED THE PROJECT OR PROJECT CONTRACTOR HAS
16 SUFFICIENT BOND AND/OR INSURANCE AS REQUIRED BY THE COUNTY.

17 (h) STATE PERMITTED RUBBLE FILLS OR LANDFILLS SHALL APPLY
18 FOR A GRADING PERMIT, HOWEVER, A BOND SHALL NOT BE REQUIRED WHEN A
19 BOND HAS BEEN POSTED WITH THE STATE AND IS OBLIGATED TO THE COUNTY
20 FOR SUCH ACTIVITIES.

21 [(f)] ~~(h)~~ (i) Except as provided for above, exemption from
22 obtaining permit or agreement does not exempt the projects listed
23 in paragraphs (1), (2), (3), (4), (5), and (6), (7), (8), (9),
24 (10), AND (11) of Subsection ~~(e)~~ (f) of this Section from other
25 provisions of this Article, including inspection, EXCEPT SUCH
26 PROJECTS COVERED UNDER PARAGRAPH ~~(5)~~ (6) OF SUBSECTION ~~(e)~~ (f)
27 WHICH ARE SUBJECT TO STATE INSPECTION AND ENFORCEMENT. However,
28 exemption from obtaining a permit also exempts the permit holder
29 from the bonding and liability insurance requirements.
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85-47

AS AMENDED

1 Section 10-3. Application for a Permit.

2 (a) To obtain a permit for land disturbing activity
3 involving more than [five hundred (500)] ~~FOUR HUNDRED (400)~~ FIVE
4 HUNDRED (500) cubic yards of earth movements, in any continuous
5 twelve ~~(12)~~ month period and OR involving more than [twenty-two
6 thousand (22,000)] FIFTEEN THOUSAND (15,000) square feet of
7 disturbed surface area, except as exempted above, an applicant
8 shall first file an application therefor, in writing, upon forms
9 furnished by the Department. The application must be signed by
10 the owner of the property, upon which the land disturbing activity
11 is to be performed, or his authorized agent. If the owner is a
12 corporation, the application must be signed by the president or
13 vice president, or an authorized employee and attested by the
14 secretary or assistant secretary. The application shall be
15 accompanied by the permit fee and scale plans or drawings,
16 including a grading, erosion and sediment control plan, approval
17 of the State Department of Natural Resources where applicable and
18 a bond as required in Section 10-12.

19 (b) The plans accompanying the application shall be prepared
20 and certified by a professional engineer, land surveyor, including
21 landscape architects or architect. The Standards and Specifi-
22 cations [for soil erosion and sediment control in developing
23 areas as approved by the Water Resources Administration] shall
24 serve as the [official] standards for erosion and sediment control
25 in Harford County FOR ACTIVITIES OTHER THAN FOREST HARVEST
26 OPERATIONS. The plans shall contain the following:

27 (1) A vicinity sketch and boundary line delineation of the
28 site for which the permit is sought and on which the work is to be
29 performed.

30 (2) Location of any buildings, structures, utilities,
31 sewers, water, and storm drains on the site where the work is to
32 be performed.

1 (3) Relationship of the site to surrounding land: existing
2 topography, drainage and structures.

3 (4) Elevations and/or contours, dimensions, location and
4 extent of all work proposed to be done, and the existing
5 elevations and/or contours of the land.

6 (5) A certification of the quantity of excavation and fill
7 involved; and, of the area affected by the land disturbing
8 activity in square feet, that being the total site area less that
9 area to remain undisturbed and certified as having effective
10 erosion resistant ground cover.

11 (6) Detailed plans of all drainage provisions, retaining
12 walls, cribbing, [vegetative practices,] erosion, and sediment
13 control measures, location of approved fences around sediment
14 basins, steep excavations or ponding areas and other protective
15 devices to be constructed in connection with, or as a part of, the
16 proposed work, together with a map showing the drainage area of
17 land tributary to the site, and estimated cubic feet per second
18 runoff of the area served by any drainage system.

19 (7) A timing schedule and sequence indicating the
20 anticipated starting and completion dates of the development
21 sequence, stripping and/or clearing, rough grading and con-
22 struction, final grading and vegetative establishment and
23 maintenance and the time of exposure of each area prior to the
24 completion of effective erosion and sediment control measures.

25 (8) A clear and definite delineation of the limits of
26 work; i.e., showing areas to remain undisturbed and showing areas
27 to be disturbed.

28 (9) VEGETATIVE STABILIZATION PRACTICES FOR PERMANENT AND
29 TEMPORARY STABILIZATION.

30 (10) Other plans, drawings or materials and information as
31 required by the Department or the District.
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1 (11) Special consideration [shall be] given to preservation
2 of wetlands. As a minimum the following shall be adhered to:

3 a. The vegetative tidal bank stabilization procedures
4 listed in the standards and specifications for soil erosion and
5 sediment control in developing areas as approved by the Water
6 Resources Administration.

7 b. Buffer areas of seventy-five (75) feet shall be
8 preserved or installed in addition to the vegetative tidal bank
9 stabilization.

10 c. Grading of wetlands shall be prohibited unless
11 instituted to assure protection as addressed above.

12 d. Fill material shall be kept out of the wetlands
13 unless permission is granted by a wetland license or permit from
14 the State Board of Public Works or Department of Natural
15 Resources, respectively.

16 e. Direct storm drainage discharge into wetlands
17 (private or state) shall be reduced to four (4) feet per second.

18 (12) THE FOLLOWING STATEMENTS OR NOTES:

19 a. FOLLOWING INITIAL SOIL DISTURBANCE OR RE-DISTURBANCE,
20 PERMANENT OR TEMPORARY STABILIZATION SHALL BE COMPLETED WITHIN:

21 1. SEVEN (7) CALENDAR DAYS AS TO THE SURFACE OF ALL
22 PERIMETER DIKES, SWALES, DITCHES, PERIMETER SLOPES, AND ALL SLOPES
23 GREATER THAN THREE (3) HORIZONTAL TO ONE (1) VERTICAL (3:1);

24 2. FOURTEEN (14) DAYS AS TO ALL OTHER DISTURBED OR
25 GRADED AREAS ON THE PROJECT SITE.

26 THE REQUIREMENTS OF SUBPARAGRAPH (1) AND (2) DO NOT APPLY
27 TO THOSE AREAS WHICH ARE SHOWN DESIGNATED ON THE PLAN AND ARE
28 CURRENTLY BEING USED FOR MATERIAL STORAGE AND FOR WHICH PERIMETER
29 CONTROLS ARE PROVIDED, OR FOR THOSE AREAS ON WHICH ACTUAL
30 CONSTRUCTION ACTIVITIES ARE CURRENTLY BEING PERFORMED OR TO
31 INTERIOR AREAS OF A SURFACE MINE SITE WHERE THE STABILIZATION
32 MATERIAL WOULD CONTAMINATE THE RECOVERABLE RESOURCE. MAINTENANCE

1 SHALL BE PERFORMED AS NECESSARY TO ENSURE THAT THE STABILIZED
2 AREAS CONTINUOUSLY MEET THE APPROPRIATE REQUIREMENTS OF THE
3 1983 CURRENT MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL
4 EROSION AND SEDIMENT CONTROL.

5 b. THE PERSON PERFORMING CONSTRUCTION SHALL REQUEST THAT
6 THE HARFORD COUNTY DEPARTMENT OF PUBLIC WORKS SEDIMENT CONTROL
7 INSPECTOR REVIEW AND APPROVE WORK COMPLETED AT THE FOLLOWING
8 STAGES OF CONSTRUCTION ON ALL SITES WITH DISTURBED AREAS IN EXCESS
9 OF TWO (2) ACRES.

10 1. UPON COMPLETION OF INSTALLATION OF PERIMETER EROSION
11 AND SEDIMENT CONTROLS, BUT BEFORE PROCEEDING WITH ANY OTHER EARTH
12 DISTURBANCE OR GRADING. OTHER BUILDING OR GRADING INSPECTION
13 APPROVALS MAY NOT BE AUTHORIZED UNTIL THIS INITIAL APPROVAL BY THE
14 COUNTY IS MADE.

15 2. UPON FINAL STABILIZATION, BUT BEFORE REMOVAL OF
16 SEDIMENT CONTROLS.

17 c. A STATEMENT OF CERTIFICATION OF TRAINING FOR
18 RESPONSIBLE PERSONNEL, SIGNED BY THE OWNER OR DEVELOPER, SHALL
19 STATE:

20 1. ANY CLEARING, GRADING, CONSTRUCTION, DEVELOPMENT,
21 OR ALL OF THESE WILL BE DONE PURSUANT TO THIS PLAN AND THAT
22 RESPONSIBLE PERSONNEL INVOLVED IN THE CONSTRUCTION PROJECT WILL
23 HAVE A CERTIFICATE OF TRAINING AT A DEPARTMENT OF NATURAL
24 RESOURCES APPROVED TRAINING PROGRAM FOR THE CONTROL OF SEDIMENT
25 AND EROSION BEFORE BEGINNING THE PROJECT.

26 2. THE CERTIFICATION OF TRAINING FOR RESPONSIBLE
27 PERSONNEL REQUIREMENT MAY BE WAIVED BY THE DISTRICT FOR ANY
28 PROJECT INVOLVING FOUR (4) OR FEWER RESIDENTIAL UNITS.
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1 [(f)] d. The Department may waive the requirement for scale
2 plans or drawings if it finds that the information on the
3 application is sufficient to show that the work will conform to
4 the requirements of this Article; provided that no such waiver
5 shall be construed as waiving the requirements of the District.

6 [(g)] e. A separate permit shall be required for each
7 separate noncontiguous site.

8 [(h)] f. No permit shall be transferable without the written
9 consent of the Department.

10 [(i)] g. No permit shall be issued for land disturbance
11 which is for building or development not permitted by existing
12 zoning, special exceptions and variances applicable to the land.

13 h. VARIANCES. THE DISTRICT MAY GRANT A WRITTEN VARIANCE FROM
14 THE REQUIREMENTS OF THE STANDARDS AND SPECIFICATIONS IF STRICT
15 ADHERENCE TO THE SPECIFICATIONS WILL RESULT IN UNNECESSARY
16 HARDSHIP AND NOT FULFILL THE INTENT OF THIS ORDINANCE. THE
17 DEVELOPER SHALL SUBMIT A WRITTEN REQUEST FOR A VARIANCE TO THE
18 DISTRICT. THE REQUEST SHALL STATE THE SPECIFIC VARIANCES SOUGHT
19 AND REASONS FOR REQUESTING THE VARIANCE. THE DISTRICT SHALL NOT
20 GRANT A VARIANCE UNLESS AND UNTIL SUFFICIENT SPECIFIC REASONS
21 JUSTIFYING THE VARIANCE ARE PROVIDED BY THE APPLICANT.

22 Section 10-4. Application for Sediment Control Agreement.

23 (a) To obtain a sediment control agreement, for movement of
24 less than [five hundred (500)] ~~FOUR HUNDRED (400)~~ FIVE HUNDRED
25 (500) cubic yards of earth or to disturb less than [twenty-two
26 thousand (22,000)] ~~FIFTEEN THOUSAND (15,000)~~ square feet, an
27 applicant shall first complete an agreement in writing, upon forms
28 furnished by the Department. The agreement must be signed by the
29 owner of the property upon which the land disturbing activity is
30 to be performed, or his authorized agent. If the owner is a
31 corporation, the agreement must be signed by the President,
32 Vice-President, or an authorized employee and attested by the

1 Secretary or Assistant Secretary. The application shall be
2 accompanied by the agreement fee, and plans or drawings for the
3 site.

4 (b) Any land disturbing activity must comply with Harford
5 County Stormwater Control Ordinance, Harford County Code Chapter
6 10, Article II.

7 (c) The plans accompanying the agreement shall be neatly
8 and clearly drawn AND FURNISHED by the applicant. The Standards
9 and Specifications [for soil erosion and sediment control in
10 developing areas as approved by the Water Resources Administrat-
11 ion] shall serve as the official standard for erosion and sediment
12 control for Harford County FOR ACTIVITIES OTHER THAN FOREST
13 HARVEST OPERATIONS. The plans shall contain the following:

14 (1) A vicinity sketch and boundary line delineation of
15 the site for which the agreement is sought and on which the work
16 is to be performed.

17 (2) Location of any buildings, structures, utilities
18 sewers, water and storm drains, on the site where the work is to
19 be performed.

20 (3) Location of proposed construction.

21 (4) Location of proposed sediment control.

22 (5) Existing and proposed drainage.

23 (d) The Department shall waive the requirements for scale
24 plans for drawings if it finds that the information on the
25 agreement is sufficient to show that the work will conform to the
26 requirements of this Article, provided that no such waiver shall
27 be construed as waiving the requirements of the District.

28 [(e) A separate agreement shall be required for each
29 separate building site or area of less than twenty-two thousand
30 (22,000) square feet of disturbed earth or the moving of less
31 than five hundred (500) cubic yards of earth. In no case may the
32

1 applicant or his representative apply for more than three (3)
2 agreements in any twelve (12) month period when the agreements
3 apply to contiguously located building sites.]

4 ~~(e)~~ NO PERSON SHALL OBTAIN AN AGREEMENT FOR DEVELOPMENT
5 WHEN A CONTIGUOUS SITE IS BEING DEVELOPED BY THAT SAME PERSON
6 UNDER ANOTHER SEDIMENT CONTROL AGREEMENT, UNLESS THAT PERSON HAS
7 FIRST OBTAINED AN APPROVED EROSION AND SEDIMENT CONTROL PLAN
8 MEETING-THE-CRITERIA-SET-FORTH-IN-SECTION-10-3-OF-THIS-ARTICLE.

9 ~~(f)~~ (e) No agreement shall be transferable without the
10 written consent of the Department.

11 ~~(g)~~ (f) No agreement shall be issued for land disturbance
12 in conjunction with building or development not permitted by
13 existing zoning.

14 SECTION 10-5. APPLICATION FOR A FOREST HARVEST PERMIT.

15 (a) TO OBTAIN A FOREST HARVEST PERMIT FOR MOVEMENT OF MORE
16 THAN ONE HUNDRED (100) CUBIC YARDS OF EARTH OR TO DISTURB MORE
17 THAN FIVE THOUSAND (5,000) SQUARE FEET, IN CONJUNCTION WITH A
18 FOREST HARVEST OPERATION, AN APPLICANT SHALL FIRST COMPLETE AN
19 APPLICATION, IN WRITING, UPON FORMS FURNISHED BY THE DEPARTMENT.
20 THE APPLICATION MUST BE SIGNED BY THE OWNER OF THE PROPERTY UPON
21 WHICH THE LAND DISTURBING ACTIVITY AND FOREST HARVEST OPERATION IS
22 TO BE PERFORMED, OR HIS AUTHORIZED AGENT. IF THE OWNER IS A
23 CORPORATION, THE AGREEMENT MUST BE SIGNED BY THE PRESIDENT,
24 VICE-PRESIDENT, OR AN AUTHORIZED OFFICER AND ATTESTED BY THE
25 SECRETARY OR ASSISTANT SECRETARY. THE APPLICATION SHALL BE
26 ACCOMPANIED BY THE PERMIT FEE AND STANDARD PLANS AS REQUIRED BY
27 THE STANDARD PLAN OR THE NATURAL RESOURCES DISTRICT LAW.

28 (b) ANY LAND DISTURBING ACTIVITY MUST COMPLY WITH HARFORD
29 COUNTY STORMWATER CONTROL ORDINANCE, HARFORD COUNTY CODE CHAPTER
30 10, ARTICLE II.
31
32

1 (c) THE GUIDELINES, STANDARDS AND SPECIFICATIONS FOR
2 EROSION AND SEDIMENT CONTROL ON FOREST HARVEST OPERATIONS SHALL
3 SERVE AS THE OFFICIAL STANDARD FOR EROSION AND SEDIMENT CONTROL
4 INVOLVING FOREST HARVEST OPERATIONS IN HARFORD COUNTY.

5 (d) A STANDARD EROSION AND SEDIMENT CONTROL PLAN FOR FOREST
6 HARVEST OPERATIONS SHALL ACCOMPANY THE PERMIT APPLICATION IF THE
7 FOLLOWING CONDITIONS CAN BE MET:

8 (1) ROAD CUTS OR FILLS ARE LESS THAN THREE (3) FEET.

9 (2) GRADES FOR HAUL ROADS AND SKID TRAIN ARE LESS THAN
10 FIFTEEN (15) PERCENT.

11 (3) LANDINGS ARE LOCATED ON SLOPES LESS THAN TEN (10)
12 PERCENT.

13 (e) WHEN THE CONDITION OF SECTION 10-5 OF THIS ARTICLE
14 CANNOT BE MET, THEN A PLAN PREPARED BY A REGISTERED PROFESSIONAL
15 FORESTER AND APPROVED BY THE DISTRICT SHALL ACCOMPANY THIS
16 APPLICATION. THESE PLANS SHALL CONTAIN THE FOLLOWING:

17 (1) A VICINITY SKETCH AND BOUNDARY LINE DELINEATION OF
18 THE SITE FOR WHICH THE PERMIT IS SOUGHT AND ON WHICH THE WORK IS
19 TO BE PERFORMED.

20 (2) LOCATION OF ALL HAUL ROADS, SKID TRAILS, AND
21 STAGING/LANDING AREAS.

22 (3) DETAILED PLANS FOR SEDIMENT CONTROLS IN AREAS NOT
23 ABLE TO BE COVERED BY A STANDARD PLAN.

24 (4) OTHER PLANS, DRAWINGS OR MATERIALS AND INFORMATION
25 AS REQUIRED BY THE DEPARTMENT OR THE DISTRICT.

26 (f) A SEPARATE PERMIT SHALL BE REQUIRED FOR EACH SEPARATE
27 FOREST HARVEST OPERATION DISTURBING AREA OF MORE THAN FIVE
28 THOUSAND (5,000) SQUARE FEET OF EARTH OR THE MOVING OF MORE THAN
29 ONE HUNDRED (100) CUBIC YARDS OF EARTH.

30 (g) NO PERMIT SHALL BE TRANSFERABLE WITHOUT THE WRITTEN
31 CONSENT OF THE DEPARTMENT.

1 Section 10-[5]6. Permits - Referral of Plans.

2 (a) Prior to the issuance of a permit, a copy of the plan
3 shall be referred to the District for review and approval of the
4 proposed erosion and sediment control measures, and shall be
5 referred to the Department of Natural Resources where required by
6 State law. The Department of Natural Resources and the District
7 shall, within thirty (30) days, notify the Department of their
8 recommendations and/or approval so that the applicant may be
9 notified in a timely manner.

10 (b) If a permit has not been issued within one (1) year of
11 approval of plans, the plans shall be subject to an updated review
12 by the District.

13 Section 10-[6]7. Permits - Modification of Plans.

14 (a) Major modifications of the approved plans shall be
15 submitted to the Department and reprocessed in the same manner as
16 the original plan and referred in accordance with Section 10-6 of
17 this Article where:

18 (1) Inspection has revealed the inadequacy of the plan to
19 accomplish the erosion and sediment objectives of the plan, and
20 appropriate modifications to correct the deficiency of the plan
21 are approved by the District.

22 (2) The person responsible for carrying out the approved
23 plans finds that, because of changed circumstances or for other
24 reasons, the approved plan cannot be effectively carried out and
25 proposes revisions to the plan that are consistent with the
26 requirements of this ordinance and rules and regulations promul-
27 gated pursuant thereto, and the District and Department approve
28 the proposed revisions.

29 (3) The Department may, with both permit holders and
30 agreement holders, in emergency situations and at its discretion,
31 order repairs or modifications in order to protect stream
32 channels, other properties or the general public from damage, to

1 remain in effect until such modifications or revisions to the plan
2 shall have been approved and implemented. Prior approval by the
3 State Water Resources Administration may be required for work in
4 the 100 Year Flood Plain.

5 [(b) Field modifications of a minor nature where such
6 changes do not render the plan ineffective may be authorized by
7 the Department; provided that written authorization is given to the
8 person performing work pursuant to this Article with a copy
9 forwarded in a timely manner to the District.]

10 (b) THE INSPECTOR MAY APPROVE MINOR MODIFICATIONS TO
11 APPROVED EROSION AND SEDIMENT CONTROL PLANS IN THE FIELD IF
12 DOCUMENTED ON A FIELD INSPECTION REPORT. THE DISTRICT SHALL, IN
13 CONJUNCTION WITH THE DEPARTMENT, DEVELOP A LIST OF ALLOWABLE FIELD
14 MODIFICATIONS FOR USE BY THE INSPECTOR.

15 Section 10-[7]8. Fees.

16 The Department shall propose legislation establishing permit,
17 agreement, and inspection fees, and setting nonrefundable fee
18 schedules for filing, additional submissions and permit or
19 agreement extensions in an amount not to exceed the reasonable
20 cost of administering and enforcing this Article. Such fees may
21 be based upon reasonable classification of land disturbing
22 activities.

23 Section 10-[8]9. Permits - Conditions PRIOR TO AND Upon Issuance.

24 (a) PERSONS WHO PROPOSE LAND DISTURBING ACTIVITIES IN
25 EXCESS OF FIVE (5) ACRES AND THE EXCAVATION AND FILL IS UNBALANCED
26 BY MORE THAN ONE THOUSAND (1,000) CUBIC YARDS, THE DEVELOPER SHALL
27 SUBMIT TO THE DEPARTMENT, PRIOR TO ISSUANCE OF A GRADING PERMIT, A
28 DETAILED GRADING STUDY TO INCLUDE:

29 (1) PLAN WHICH DISPLAYS EXISTING AND PROPOSED CONTOURS
30 OF A SCALE NOT SMALLER THAN 1" = 50'.

31 (2) COMPUTATION OF QUANTITIES OF CUTS AND FILLS NORMALLY
32 TO BE INCLUDED IN A GRADING TABLE.

85-47

AS AMENDED

1 (3) IDENTIFICATION OF POTENTIAL ONSITE/OFFSITE BORROW OR
2 STOCKPILE LOCATIONS.

3 (4) BORROW/STOCKPILES SITES IDENTIFICATION AS TEMPORARY
4 OR PERMANENT.

5 (5) THESE SITES SHALL ALSO BE SUBJECT TO THE STOCKPILE
6 AND BORROW AREA REQUIREMENTS OF SECTION 10-18 BELOW.

7 (6) THOSE PROJECTS HAVING PRELIMINARY PLAN APPROVAL
8 BEFORE THE EFFECTIVE DATE OF THIS ARTICLE, AND THOSE PROJECTS
9 RECEIVING PRELIMINARY PLAN APPROVAL BY APRIL 30, 1986 AND OBTAIN-
10 ING A GRADING PERMIT BY OCTOBER 31, 1986 SHALL BE EXEMPT FROM
11 SUBSECTION (a) OF THIS SECTION.

12 [(a)] (b) In granting any permit or agreement, the Director
13 may attach such conditions thereto as he may deem reasonably
14 necessary to prevent sedimentation or pollution to public or
15 private property or any sewer, storm drain or watercourse, to
16 prevent the operation from being conducted in a manner hazardous
17 to life or property, or in a manner likely to create a nuisance or
18 source of pollution. Such conditions may include, but are not
19 limited to, the erection or installation of walls, drains, dams
20 and structures, plantings, erosion and sediment control measures
21 or devices, furnishing necessary easements and a specified method
22 of performing the work which shall be identified on the sediment
23 control plan submitted for approval. No permit shall be issued
24 until a sediment control plan is approved by the District, and the
25 owner certifies that all land disturbing activities shall be
26 performed pursuant to the sediment control plan and modifications
27 incorporated pursuant to Section 10-7 herein. The approved plan
28 shall be a condition of and part of the permit. No person shall
29 violate any such conditions so imposed.

85-47

AS AMENDED

1 (c) IT SHALL BE A CONDITION OF EVERY GRADING PERMIT,
2 SEDIMENT CONTROL AGREEMENT, OR FOREST HARVEST PERMIT THAT THE
3 DEPARTMENT HAS THE RIGHT TO ENTER PROPERTY PERIODICALLY TO INSPECT
4 FOR COMPLIANCE WITH THIS ORDINANCE.

5 Section 10-[9]10. Permits - Expiration; Extensions.

6 (a) Every permit issued hereunder shall expire at the end of
7 the period of time set out in the permit. However, no permit
8 period shall exceed twelve (12) months. The permit holder shall
9 fully perform and complete all of the work required to be done
10 within one year after the date of issuance, unless specified
11 otherwise by the Department for good cause shown. If the permit
12 holder shall be unable to complete the work within the specified
13 time, he shall, within not less than thirty (30) days prior to
14 expiration of the permit, present in writing to the Department a
15 request for an extension of time, not to exceed six (6) months,
16 setting forth therein the reasons for the requested extension. If,
17 in the discretion of the Director, such an extension is warranted,
18 he may grant additional time for the completion of the work for an
19 additional fee that shall be one-twelfth (1/12) of the original
20 fee for each month or part of a month that the extension is
21 granted. Where the Director determines that the extension of time
22 will require a substantial modification of the grading, erosion
23 and sediment control plan, any extension of a permit shall be
24 subject to approval of a revised sediment control plan by the
25 District.

26 (b) The sediment control agreement shall stay in effect for
27 as long as the accompanying building permit is in effect. If the
28 agreement is not accompanied by a building permit, then the
29 agreement shall expire one (1) year from date of issuance.

30 (c) A FOREST HARVEST PERMIT SHALL EXPIRE TWELVE (12) MONTHS
31 FROM DATE OF ISSUANCE.
32

1 Section 10-[10]11. [Permits -] ENFORCEMENT PROCEDURES AND PERMIT
2 Revocation or Suspension.

3 (a) ENFORCEMENT PROCEDURES.

4 (1) WHEN THE DEPARTMENT OR ITS INSPECTOR DETERMINES THAT
5 A VIOLATION OF THE APPROVED EROSION AND SEDIMENT CONTROL PLAN, THE
6 PERMIT, AGREEMENT, OR THE PROVISIONS OF THIS ARTICLE HAS OCCURRED,
7 THE INSPECTOR SHALL NOTIFY THE ON-SITE PERSONNEL OR THE PERMITTEE,
8 IN WRITING OF THE VIOLATION, DESCRIBE THE REQUIRED CORRECTIVE
9 ACTION, AND THE TIME PERIOD IN WHICH TO HAVE THE VIOLATION
10 CORRECTED.

11 (2) IF THE VIOLATION PERSISTS AFTER THE DATE SPECIFIED
12 FOR CORRECTIVE ACTION IN THE NOTICE OF VIOLATION, THE DEPARTMENT
13 SHALL STOP WORK ON THE SITE BY THE ISSUANCE OF A STOP WORK ORDER.
14 THE DEPARTMENT SHALL DETERMINE THE EXTENT TO WHICH WORK IS
15 STOPPED, WHICH MAY INCLUDE ALL WORK ON THE SITE EXCEPT THAT WORK
16 NECESSARY TO CORRECT THE VIOLATION.

17 (3) IF REASONABLE EFFORTS TO CORRECT THE VIOLATION ARE
18 NOT UNDERTAKEN BY THE AGREEMENT OR PERMIT HOLDER, THE DEPARTMENT
19 SHALL REFER THE VIOLATION FOR LEGAL ACTION.

20 (4) THE DEPARTMENT MAY DENY THE ISSUANCE OF ANY PERMITS
21 TO AN APPLICANT WHEN IT DETERMINES THAT THE APPLICANT IS NOT IN
22 COMPLIANCE WITH THE PROVISIONS OF AN AGREEMENT OR GRADING PERMIT
23 OR APPROVED EROSION AND SEDIMENT CONTROL PLAN ON ANY SITE.

24 (5) ANY STEP IN THE ENFORCEMENT PROCESS MAY BE TAKEN AT
25 ANY TIME, DEPENDING UPON THE SEVERITY OF THE VIOLATION.

26 (6) IF A PERSON IS WORKING WITHOUT A PERMIT, THE
27 DEPARTMENT SHALL STOP WORK ON THE SITE, EXCEPT THAT ACTIVITY
28 NECESSARY TO PROVIDE EROSION AND SEDIMENT CONTROL.

29 [(a)](b) Any permit or agreement issued under this Article
30 may be revoked or suspended by the Director, after notice, for:

31 (1) Violation of the plan or of any other condition of
32 the permit or agreement.

1 (2) Violation of any provision of this ordinance or any
2 other applicable law, ordinance, rule or regulation relating to
3 the work.

4 (3) Existence of any condition or the doing of any act
5 constituting or creating a nuisance, hazard or endangering human
6 life or the property of others.

7 (4) NONCOMPLIANCE WITH VIOLATION NOTICE(S) OR STOP WORK
8 ORDER(S) ISSUED.

9 [(b) In addition to the authority set forth i Subsection
10 (a), the Director and/or inspector may post a site with an order
11 directing the permit holder or agreement holder to cease all land
12 disturbing activity being performed under permits or agreements
13 issued under this ordinance when such activity does not conform to
14 the specifications, including modifications thereof, of an ap-
15 proved plan or other conditions of the permit issued hereunder,
16 provided that:]

17 (c) STOP WORK ORDERS MAY BE ISSUED, PROVIDED THE FOLLOWING
18 ITEMS ARE MET:

19 (1) Written notice to comply will be furnished within
20 seven (7) days to the permit holder or agreement holder by regular
21 mail and addressed to the address of the permit holder or
22 agreement holder as stated on the application for a permit or
23 agreement.

24 (2) The notice includes the nature of the corrective
25 measures required and the time within which corrections shall be
26 made.

27 [(d) Nothing contained in this section shall be interpreted
28 as restricting the Department from proceeding directly with a
29 cease and desist order or with alternative enforcement procedure
30 as set forth in Section 10-20.5.]
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1 (d) IF CONDITIONS WARRANT, NO NOTICE OF VIOLATION IS
2 NECESSARY, AND THE DEPARTMENT MAY PROCEED DIRECTLY WITH A STOP
3 WORK ORDER OR WITH AN ALTERNATIVE ENFORCEMENT PROCEDURE AS SET
4 FORTH IN SECTION 10-20.5.

5 Section 10-[11]12. Performance Bond.

6 (a) The Director shall, before issuing a permit, require a
7 cash or corporate bond or other approved security in the form and
8 manner [prescribed by] ACCEPTABLE TO the County [Attorney],
9 conditioned upon the faithful performance of the conditions in the
10 permit and soil erosion and sediment control measures specified in
11 the permit within the time specified by the Director. Collateral
12 required by this section shall be three hundred dollars (\$300.00)
13 plus three cents (\$.03) per square foot of the area included in
14 the land disturbing activity, plus such amounts as deemed
15 necessary by the Director to secure the cost of improvements
16 required in approved plans. A corporate bond shall be maintained
17 and renewed annually and shall be executed by a surety or
18 guarantee company qualified to transact business in the State of
19 Maryland. A cash bond shall be deposited with the Treasurer of
20 Harford County, who shall give his receipt therefor, reciting that
21 the cash has been deposited in compliance with and subject to the
22 provisions of this section. The bond or approved security shall
23 obligate the principal, his executors, administrators, successors
24 and assigns, jointly and severally with the surety and shall inure
25 to the benefit of the County, its officers, employees and to any
26 person aggrieved by the principal's failure to comply with the
27 conditions thereof. The principal and the surety shall, under the
28 bond or approved security, continue to be firmly bound under a
29 continuing obligation for the payment of all necessary costs and
30 expenses or liabilities which may be incurred or expended by the
31 Department to meet the minimum requirements of this Article.
32

(b) THE DIRECTOR SHALL, BEFORE ISSUING A FOREST HARVEST PERMIT FOR AN AREA LARGER THAN FIFTY (50) ACRES TO BE HARVESTED, REQUIRE-A-CASH-OR-CORPORATE-BOND-OR-OTHER-APPROVED-SECURITY-IN-THE FORM AND MANNER ACCEPTABLE TO THE COUNTY, CONDITIONED UPON THE FAITHFUL PERFORMANCE OF THE CONDITIONS IN THE PERMIT AND SOIL EROSION AND SEDIMENT CONTROL MEASURES SPECIFIED IN THE PERMIT AND PLANS WITHIN THE TIME SPECIFIED BY THE DIRECTOR. COLLATERAL REQUIRED-BY-THIS-SECTION-SHALL-BE-TWENTY-DOLLARS-(\$20.00)-PER-ACRE OF-THE-AREA-TO-BE-HARVESTED,-PLUS-SUCH-AMOUNTS-AS-DEEMED-NECESSARY BY THE DIRECTOR TO SECURE THE COST OF IMPROVEMENTS REQUIRED IN APPROVED PLANS. A CORPORATE BOND SHALL BE MAINTAINED AND RENEWED ANNUALLY AND SHALL BE EXECUTED BY A SURETY OR GUARANTEE COMPANY QUALIFIED TO TRANSACT BUSINESS IN THE STATE OF MARYLAND. A CASH BOND SHALL BE DEPOSITED WITH THE TREASURER OF HARFORD COUNTY, WHO SHALL GIVE HIS RECEIPT THEREFOR, RECITING THAT THE CASH HAS BEEN DEPOSITED-IN-COMPLIANCE-WITH-AND-SUBJECT-TO-THE-PROVISIONS-OF-THIS SECTION. THE BOND OR APPROVED SECURITY SHALL OBLIGATE THE PRINCIPAL, HIS EXECUTORS, ADMINISTRATORS, SUCCESSORS AND ASSIGNS, JOINTLY AND SEVERALLY WITH THE SURETY AND SHALL INURE TO THE BENEFIT OF THE COUNTY, ITS OFFICERS, EMPLOYEES AND TO ANY PERSON AGGRIEVED-BY-THE-PRINCIPAL'S-FAILURE-TO-COMPLY-WITH-THE-CONDITIONS THEREOF. THE PRINCIPAL AND THE SURETY SHALL, UNDER THE BOND OR APPROVED SECURITY, CONTINUE TO BE FIRMLY BOUND UNDER A CONTINUING OBLIGATION FOR THE PAYMENT OF ALL NECESSARY COSTS AND EXPENSES OR LIABILITIES-WHICH-MAY-BE-INCURRED-OR-EXPENDED-BY-THE-DEPARTMENT-TO MEET-THE-MINIMUM-REQUIREMENTS-OF-THIS-ARTICLE.

(e) (b) THE DIRECTOR, ON PROJECTS INVOLVING A TEMPORARY STOCKPILE OF BORROW AREA, SHALL, BEFORE ISSUING A PERMIT, REQUIRE A CASH OR CORPORATE BOND OR OTHER APPROVED SECURITY IN THE FORM AND MANNER BY THE COUNTY, CONDITIONED UPON THE FAITHFUL PERFORMANCE WITHIN THE TIME SPECIFIED IN THE CONDITIONS SET FORTH WITHIN REQUIREMENTS FOR GRADING AND EXCAVATING SECTION 10-18(h) OF THIS

85-47

AS AMENDED

1 ARTICLE CONCERNING COLLATERAL REQUIRED BY THIS SECTION SHALL BE
2 TWO DOLLARS (\$2.00) PER CUBIC YARD OF MATERIAL, STOCKPILED OR
3 BORROWED, PLUS SUCH AMOUNTS AS DEEMED NECESSARY BY THE DIRECTOR TO
4 SECURE THE COST OF IMPROVEMENTS REQUIRED IN APPROVED PLANS, OR TO
5 COMPLY WITH REQUIREMENTS OF A PERMANENT STOCKPILE OR BORROW AREAS
6 AS OUTLINED IN SECTION 10-18, SUBSECTION (h), SUBPARAGRAPH (b). A
7 CORPORATE BOND SHALL BE MAINTAINED AND RENEWED ANNUALLY AND SHALL
8 BE EXECUTED BY A SURETY OR GUARANTEE COMPANY QUALIFIED TO TRANSACT
9 BUSINESS IN THE STATE OF MARYLAND. A CASH BOND SHALL BE DEPOSITED
10 WITH THE TREASURER OF HARFORD COUNTY, WHO SHALL GIVE HIS RECEIPT
11 THEREFOR, RECITING THAT THE CASH HAS BEEN DEPOSITED IN COMPLIANCE
12 WITH AND SUBJECT TO THE PROVISIONS OF THIS SECTION. THE BOND OR
13 APPROVED SECURITY SHALL OBLIGATE THE PRINCIPAL, HIS EXECUTORS,
14 ADMINISTRATORS, SUCCESSORS AND ASSIGNS, JOINTLY AND SEVERALLY WITH
15 THE SURETY AND SHALL INURE TO THE BENEFIT OF THE COUNTY, ITS
16 OFFICERS, EMPLOYEES AND TO ANY PERSON AGGRIEVED BY THE PRINCIPAL'S
17 FAILURE TO COMPLY WITH THE CONDITIONS THEREOF. THE PRINCIPAL AND
18 THE SURETY SHALL, UNDER THE BOND OR APPROVED SECURITY, CONTINUE TO
19 BE FIRMLY BOUND UNDER A CONTINUING OBLIGATION FOR THE PAYMENT OF
20 ALL NECESSARY COSTS AND EXPENSES OR LIABILITIES WHICH MAY BE
21 INCURRED OR EXPENDED BY THE DEPARTMENT TO MEET THE MINIMUM
22 REQUIREMENTS OF THIS ARTICLE.

23 [(b)] ~~(d)~~ (c) Whenever the Department shall find that a
24 default has occurred in the performance of any term or condition
25 of the permit or bond or other approved security, OR THE
26 REQUIREMENTS OF SECTION 10-18, PARAGRAPH (h) OF THIS ARTICLE,
27 written notice thereof shall be given to the principal and to the
28 surety of the security. Such notice shall state the work to be
29 done, the estimated cost thereof and the period of time deemed by
30 the Department to be reasonably necessary for the completion of
31 such work.
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85-47

AS AMENDED

1 [(c)] ~~(e)~~ (d) If a cash bond has been posted, notice of
2 default as provided by the preceding paragraphs shall be given to
3 the principal, and if compliance is not had within the time
4 specified, the Department shall proceed without delay and without
5 further notice or proceedings whatsoever to use the cash
6 deposited, or any portion of such deposit, to cause the required
7 work to be done by contract or otherwise in the discretion of the
8 Director.

9 [(d)] ~~(f)~~ (e) In the event of any default in the performance
10 of any term or condition of the permit, bond, or other approved
11 security, the County, the surety or any person employed or engaged
12 on his behalf shall have the right to go upon the site to complete
13 the required work necessary to control erosion and sedimentation
14 or make it safe. In the event the Department undertakes the
15 required work or makes the site safe with the funds from the
16 forfeited cash or corporate security, such funds shall be used to
17 pay the cost of contracting, including engineering and adminis-
18 tration, for necessary restoration of the site to control erosion
19 and sedimentation within the requirements of the plan, permit,
20 bond, security or this Article. If the cost of the work necessary
21 to control erosion and sedimentation or to make it safe exceeds
22 the amount of security posted, the permit holder shall continue to
23 be firmly bound under a continuing obligation for payment of all
24 excess costs and expenses incurred by the County. The cost and
25 expenses shall be a lien upon all property and all rights to
26 property, real or personal, of any person liable to pay the same
27 from and after the time said cost is due and payable. The cost
28 shall be listed on the tax bill and shall be collected in the
29 manner of ordinary taxes.

30 [(e)] ~~(g)~~ (f) No person shall interfere with or obstruct
31 the ingress or egress to or from any such site or premises by an
32 authorized representative or agent of any surety or of the

1 Department engaged in completing the work required to be performed
2 under the permit or in complying with the terms or conditions
3 thereof.

4 [(f)] ~~(h)~~ (g) The security posted shall remain in full force
5 and effect until a completion certificate is issued pursuant to
6 Section 10-19. A cash bond shall be returned to the depositor or
7 to his successors or assigns upon issuance of a completion
8 certificate for the work in accordance with Section ~~10-16~~10-19,
9 except any portion thereof that may have been used. Failure to
10 maintain the above required surety shall automatically operate as
11 a temporary revocation of any and all permits issued by Harford
12 County to the permit holder, his successors and assigns in
13 interest.

14 Section 10-[12]13. Liability Insurance.

15 If, in the opinion of the Director, the nature of the work is
16 such that it may create a hazard to human life or endanger
17 adjoining property or property at a higher or lower elevation, or
18 any street or street improvement, or any other public property,
19 then the Director may, before issuing the permit, require that the
20 applicant for a permit file a certificate of insurance showing
21 that he is insured against claims for damages for personal injury
22 and property damage in an amount not less than twenty-five
23 thousand dollars (\$25,000.00), including damage to the County by
24 deposit or washing of material onto County streets or other public
25 improvements, which may arise from or out of the performance of
26 the work, whether such performance be by himself, his subcon-
27 tractor or any person directly or indirectly employed by him, and
28 the amount of such insurance shall be prescribed by the Director
29 in accordance with the nature of the risks involved. Such
30 insurance shall be written by a company licensed to do business in
31 the State and approved by the County. Neither issuance of a
32 permit nor compliance with the provisions hereto or any condition

1 imposed by the Department shall relieve any person from any
2 responsibility for damage to persons or property otherwise imposed
3 by law, nor impose any liability upon the County for damage to
4 persons or property. Failure to maintain the required liability
5 insurance shall automatically operate as a temporary revocation of
6 any and all permits issued by Harford County to the permit holder,
7 his predecessors or successors and assigns in interest.

8 Section 10-[13]14. Maintenance Bond.

9
10 The Director may, where he deems it necessary to protect the
11 property or health, safety or general welfare of other persons or
12 the public in general, required the permit holder to post a
13 maintenance bond or other approved security in the form and manner
14 [prescribed by] ACCEPTABLE TO the County [Attorney], for a period
15 of twelve (12) months following the completion of the land
16 disturbing activities for which the permit was issued. The
17 security shall cover latent defects in labor and/or material
18 required to maintain all grade surfaces, walls, drains, dams,
19 structures, slopes, vegetation and sediment control measures and
20 other protective devices and damages resulting from construction
21 equipment and vehicles doing work in that portion of the area
22 covered by the terms of the permit. The amount of the security
23 shall be equal to or greater than ten percent (10%) of the
24 construction cost as determined by the Director.

25 Section 10-[14]15. Inspections, FREQUENCY AND REPORTS.

26 (a) On sites where a Public Works inspector has primary
27 inspection responsibility for work being done, he shall also be
28 responsible for monitoring of sediment control. However, the
29 sediment control inspector from the Department of [Inspections,
30 Licenses and Permits] PUBLIC WORKS shall have full sediment
31 control enforcement responsibility on these sites, inclusive of
32 such items as minor plan changes, violation notices, stop work
orders and other enforcement procedure.

1 (b) No land disturbing activity shall proceed until approved
2 by the District and/or the Department. All work shall be
3 performed in accordance with a schedule shown on the approved plan
4 or a revised schedule approved by the Department and the District.

5 (c) THE PERMITTEE SHALL MAINTAIN A COPY OF THE APPROVED
6 EROSION AND SEDIMENT CONTROL PLAN ON SITE.

7 [(c)] (d) After commencing initial land disturbing activity,
8 the Department shall inspect at the following stages:

9 (1) Upon completion of stripping, clearing and the
10 stockpiling of soil, but prior to related off-site land disturbing
11 activities.

12 (2) During rough grading, including hauling of imported
13 or wasted materials.

14 (3) Upon completion of rough grading, but prior to
15 placing topsoil, permanent drainage systems, ground covers or
16 other permanent site development improvements identified on the
17 approved plan.

18 (4) Upon completion of final grading, including
19 established ground covers and planting, and installation of all
20 vegetative measures and all other work in accordance with the
21 approved plan.

22 (5) ON ALL SITES WITH DISTURBED AREAS IN EXCESS OF TWO
23 (2) ACRES, THE PERMITTEE SHALL REQUEST THAT THE DEPARTMENT INSPECT
24 WORK COMPLETED AT THE STAGES OF CONSTRUCTION SPECIFIED BELOW TO
25 ENSURE ACCORDANCE WITH THE APPROVED EROSION AND SEDIMENT CONTROL
26 PLAN, THE GRADING PERMIT, AND THE PROVISIONS OF THIS ARTICLE.

27 a. UPON COMPLETION OF INSTALLATION OF PERIMETER
28 EROSION AND SEDIMENT CONTROLS, PRIOR TO PROCEEDING WITH ANY OTHER
29 EARTH DISTURBANCE OR GRADING. OTHER BUILDING OR GRADING
30 INSPECTION APPROVALS MAY NOT BE AUTHORIZED UNTIL INITIAL APPROVAL
31 BY THE INSPECTION AGENCY IS MADE.
32

1 b. UPON FINAL STABILIZATION BEFORE TO REMOVAL OF
2 SEDIMENT CONTROLS.

3 (6) EVERY ACTIVE SITE HAVING A DESIGNED EROSION AND
4 SEDIMENT CONTROL PLAN SHALL BE INSPECTED FOR COMPLIANCE WITH THE
5 PLAN ON THE AVERAGE ONCE EVERY TWO (2) WEEKS.

6 ~~[(d)]~~(e) The applicant, after receiving notification of
7 pending permit approval, based upon pre-construction conference
8 findings, shall notify the Department not less than forty-eight
9 (48) hours before the intended commencement of any disturbing
10 activities. Upon receiving such notice, the Department shall
11 schedule an on-site pre-construction conference. Upon completion
12 of the on-site pre-construction conference, if no problems are
13 revealed, then the grading permit will be issued and work within
14 the scope of the permit may start.

15 ~~[(e)]~~(f) The Department may require additional inspections
16 as it deems appropriate, and shall have the right to waive
17 inspections, except for the final inspections as provided in
18 Section 10-19.

19 ~~[(f)]~~ The Department shall maintain a permanent file of its
20 inspections.]

21 (g) INSPECTORS SHALL PREPARE WRITTEN REPORTS AFTER EVERY
22 INSPECTION. THE INSPECTION REPORT SHALL DESCRIBE:

23 (1) THE DATE AND LOCATION OF THE SITE INSPECTION;

24 (2) WHETHER OR NOT THE APPROVED PLAN HAS BEEN PROPERLY
25 IMPLEMENTED AND MAINTAINED;

26 (3) ANY PRACTICE DEFICIENCIES OR EROSION AND SEDIMENT
27 CONTROL PLAN DEFICIENCIES; AND

28 (4) IF A VIOLATION EXISTS, THE TYPE OF ENFORCEMENT
29 ACTION TAKEN.

30 (h) THE DEPARTMENT SHALL NOTIFY THE ON-SITE PERSONNEL OR THE
31 OWNER/DEVELOPER IN WRITING WHEN VIOLATIONS ARE OBSERVED,
32 DESCRIBING:

1 (1) THE NATURE OF THE VIOLATION;
2 (2) THE REQUIRED CORRECTIVE ACTION; AND
3 (3) THE TIME PERIOD IN WHICH TO HAVE THE VIOLATION
4 CORRECTED.

5 (i) THE DEPARTMENT SHALL MAINTAIN A PERMANENT FILE OF
6 INSPECTIONS AND ENFORCEMENT ACTIONS.

7 [(g)](j) When sediment control plans for land disturbing
8 activities include the use of water retention structures such as
9 ponds, catchbasins and related facilities and when such plans show
10 by affidavit that they have been prepared by a licensed profes-
11 sional engineer or land surveyor and that said licensed profes-
12 sional engineer or land surveyor will supervise the construction
13 of such facilities in accordance with the provisions of such plans
14 and regulations adopted in accordance with this Article, the
15 Director may waive the inspections required by this section.
16 Before the issuance of a completion certificate in accordance with
17 Section 10-19, said licensed professional engineer or land
18 surveyor shall certify to the Department that the facilities
19 included on the approved plan have been constructed in accordance
20 with said plan or modifications made thereto and approved by the
21 Department and District.

22 Section 10-[15]16. INSTALLATION AND Maintenance of Structures,
23 Measures and Devices.

24 (a) ANY PERSON INVOLVED IN LAND DISTURBING ACTIVITIES SHALL
25 INSTALL ALL EROSION AND SEDIMENT CONTROLS, STRUCTURES, PLANTINGS,
26 VEGETATION, AND OTHER PROTECTIVE DEVICES, AS MAY BE REQUIRED BY
27 THE APPROVED PLAN, THE PERMIT, THE FOREST HARVEST PERMIT, THE
28 AGREEMENT, OR THE INSPECTOR, UNLESS OTHERWISE PROVIDED FOR BY THIS
29 ARTICLE.

30 (b) [The permit holders or agreement holders or the owner of
31 any property on which work has been done pursuant to a permit or
32 agreement granted hereunder, or any other person or agent in con-

1 trol of such property] ANY PERSON INVOLVED IN LAND DISTURBING
2 ACTIVITIES shall maintain in good condition and promptly repair or
3 restore all grade surfaces, walls, drains, dams and structures,
4 plantings, vegetation, erosion and sediment control measures and
5 other protective devices. Such repair or restoration and
6 maintenance shall be in accordance with this Article until
7 permanent measures are accepted by the Department.

8 Section 10-[16]17. Grading.

9
10 All persons desiring to grade or excavate in Harford County
11 shall be required to follow the procedures and requirements of
12 Title 8, Subtitle 11, Natural Resources Article, Annotated Code of
13 Maryland, 1974 volume, as amended, the Standards and Specifi-
14 cations [for Soil Erosion and Sediment Control in Developing Areas
15 (prepared by the U. S. Department of Agriculture, Soil Conserva-
16 tion Service dated July, 1975), as amended from time to time,] and
17 the Maryland State [Sediment Control regulations, COMAR
18 .09.05.01,] EROSION AND SEDIMENT CONTROL REGULATIONS, COMAR
19 08.05.01, as amended from time to time.

20 Section 10-[17]18. Requirements for Grading and Excavating.

21 (a) No person shall change the natural ground level of any
22 lot or parcel in any way which results or may result in any
23 changing of the direction, volume, distribution or velocity of the
24 flow of surface water on or over any adjoining private or public
25 property without obtaining the approval of the Department of
26 Public Works and the Department of Inspections, Licenses and
27 Permits and having been issued a valid permit to perform the
28 proposed grading. Whenever ground and/or surface water exists on
29 a lot or parcel, the method of disposal shall be approved by the
30 Department-of-Public-Works-and-the-sediment-control-inspector.

31 (b) Cut slopes - If, when grading a lot or parcel, the new
32 grade is lowered below the ground level of the adjoining property,
the new grade shall slope at an angle less than one (1) foot

1 vertical to two (2) feet horizontal, to meet the grade of the
2 adjoining property at the line. If the slope requirements stated
3 herein cannot be met, AN ALTERNATE STABILIZATION TECHNIQUE
4 APPROVED BY THE DEPARTMENT SHALL BE USED OR a retaining wall shall
5 be built entirely on the ground of the owner causing the grading
6 for which a building permit will be required.
7

8 (c) Fill slopes - If, when grading a lot or parcel the new
9 grade is raised above the surface of the ground level of the
10 adjoining property, the fill shall be sloped down to meet the
11 existing grade on an angle less than the angle of repose of the
12 material but not steeper than one (1) foot vertical to two (2)
13 feet horizontal, and at no point shall the toe of the slope, plus
14 an adequate storm drain system or swale extending to an approved
15 termination extend beyond the adjoining property line. If the
16 slope requirement herein cannot be met, AN ALTERNATE STABILIZATION
17 TECHNIQUE APPROVED BY THE DEPARTMENT SHALL BE USED OR a retaining
18 wall shall be built entirely upon the land of the owner causing
19 the fill to be made for which a building permit will be required.

20 (d) All stumps, logs and other materials subject to decay
21 shall be removed before any fill materials are placed and no such
22 fill material shall contain more than ten percent (10%) organic
23 matter. However, stumps may remain in place if cut off at ground
24 level where filling exceeds three (3) feet or more and is a
25 minimum of twenty (20) feet from any proposed footing. On sites
26 where buildings or other structures are to be erected, fill with
27 greater than ten percent (10%) organic matter will be permitted in
28 all areas a distance of forty feet (40) from any proposed
29 footings.

30 (e) In the final grading around any building, a positive
31 grade is required away from the building and outfalling into an
32 existing storm drain system, drainage swale or other approved
suitable area. All grading shall be accomplished in such a manner

1 as to prevent the ponding of surface drainage in low areas or the
2 standing of water in stabilized areas due to the installation of
3 gradients inadequate to carry surface drainage.
4

5 [(f) Upon the completion of the final grading all denuded
6 (stripped) areas with the exception of any critical areas which
7 may require special treatment are to be stabilized with sod or
8 seed and mulch. Stabilization of property improved with residen-
9 tial or commercial buildings shall be completed and approved
10 prior to the issuance of an occupancy permit for the structure.
11 The only exception to this requirement shall be a site completed
12 during the winter months of the year when stabilization is impos-
13 sible. In such cases the final stabilization shall be completed
14 prior to the following April 30th.]

15 [(g) The permit holder or agreement holder shall stabilize
16 temporarily with seed and/or straw mulch all disturbed areas with-
17 in thirty (30) calendar days after stripping and grading activi-
18 ties have ceased in that disturbed area. Areas used for stock-
19 piling, construction access roads, driveways, parking lots, and
20 building construction areas adjacent to and within fifty feet
21 (50) of an incomplete improvement shall be exempted from the re-
22 quirement, provided these areas are designated on the approved
23 plan, and provide erosion and sediment control measures are in-
24 stalled to prevent off-site sedimentation. During the months of
25 November through February, when seeding and sodding are found to
26 be impractical, an approved mulch, such as straw shall be applied
27 and anchored. In such cases, seeding or other stabilization shall
28 be completed prior to the following April 30th, if further stabil-
29 ization is necessary. Temporary stabilization is not required if
30 permanent stabilization can be applied within days (60) after
31 stripping and grading activities have ceased, provided such areas
32 are designated on the approved plan and erosion and sediment con-
trol measures are installed to prevent off-site sedimentation.

1 The permit holder or agreement holder shall stabilize permanently
2 all disturbed area within fourteen (14) calendar days following
3 removal of the erosion of sediment control measures or once the
4 property is at finishing grade. When property is brought to
5 finished grade during the months of November through February,
6 and seeding and sodding is found to be impractical, an approved
7 mulch such as straw shall be applied and anchored to critical
8 areas, as appropriate. The final permanent stabilization of
9 such property shall be completed prior to the following April
10 30th.]

11 (f) FOLLOWING INITIAL SOIL DISTURBANCE OR RE-DISTURBANCE,
12 THE PERMIT HOLDER, AGREEMENT HOLDER OR RESPONSIBLE PERSONNEL MUST
13 STABILIZE EITHER PERMANENTLY OR TEMPORARILY WITHIN:

14 (1) SEVEN (7) CALENDAR DAYS AS TO THE SURFACE OF ALL
15 PERIMETER DIKES, SWALES, DITCHES, PERIMETER SLOPES, AND ALL SLOPES
16 GREATER THAN THREE (3) HORIZONTAL TO ONE (1) VERTICAL (3:1); AND

17 (2) FOURTEEN (14) DAYS AS TO ALL OTHER DISTURBED OR
18 GRADED AREAS ON THE PROJECT SITE.

19 THE REQUIREMENTS OF SUBSECTIONS 1 AND 2 ABOVE DO NOT APPLY
20 TO THOSE AREAS WHICH ARE SHOWN DESIGNATED ON THE PLAN AND ARE
21 CURRENTLY BEING USED FOR MATERIAL STORAGE AND FOR WHICH
22 PERIMETER CONTROLS ARE PROVIDED, OR TO THOSE AREAS ON WHICH ACTUAL
23 CONSTRUCTION ACTIVITIES ARE CURRENTLY BEING PERFORMED OR TO
24 INTERIOR AREAS OF A SURFACE MINE SITE WHERE THE STABILIZATION
25 MATERIAL WOULD CONTAMINATE THE RECOVERABLE RESOURCE. MAINTENANCE
26 SHALL BE PERFORMED AS NECESSARY TO ENSURE THAT THE STABILIZED
27 AREAS CONTINUOUSLY MEET THE APPROPRIATE REQUIREMENTS OF THE
28 STANDARDS AND SPECIFICATIONS.

29 (g) Whenever any excavation is made at or close to an
30 existing public right-of-way, no part of any such excavation shall
31 extend into said street, alley or other public way without the
32

1 approval of the Department of Public Works. The sides and/or
2 banks of any such excavation shall be supported by adequate and
3 approved means, so that there will be no moving, settling, or
4 caving of the same and so that there will be no damage to any
5 paving or any surface or subsurface structures.

6 (h) FOR ALL PROPOSED LAND DISTURBING ACTIVITIES REQUIRING A
7 GRADING PERMIT, THE DEVELOPER SHALL BALANCE QUANTITIES OF
8 EXCAVATION AND FILL. ESTIMATES OF THE QUANTITIES SHALL BE
9 SUBMITTED PRIOR TO OR SIMULTANEOUSLY WITH PRELIMINARY PLAN
10 APPROVAL.

11 (h) FOR ALL LAND DISTURBING ACTIVITIES WHICH PROPOSE TO MOVE
12 MORE THAN FIVE THOUSAND (5,000) CUBIC YARDS OF EARTH AND THE
13 DISTURBED AREAS WILL BE GREATER THAN FIVE (5) ACRES, THE
14 DEVELOPER, PRIOR TO OR SIMULTANEOUSLY TO PRELIMINARY PLAN
15 APPROVAL, SHALL SUBMIT TO THE DEPARTMENT APPROXIMATIONS OF ALL
16 EXCAVATIONS AND FILLS, AND SHALL SUBMIT A PLAN SHOWING ALL AREAS
17 WHICH WILL EXCEED TEN (10) FEET IN EXCAVATION OR FILL. BALANCED
18 EXCAVATION AND FILLS SHALL BE REQUIRED OF ALL LAND DISTURBING
19 ACTIVITIES WHICH REQUIRE A GRADING PERMIT.

20 (1) EXEMPTIONS FROM THE REQUIREMENTS OF A BALANCED
21 EXCAVATION AND FILL WILL ONLY BE ALLOWED IF A DEVELOPMENT MEETS
22 THE CRITERIA ESTABLISHED IN THE RULES AND REGULATIONS.

23 (2) SHOULD AN EXEMPTION BE ALLOWED, TEMPORARY AND
24 PERMANENT MATERIAL STOCKPILES OR BORROW AREAS MAY BE PERMITTED
25 PROVIDED THEY MEET THE FOLLOWING PROVISIONS AND REQUIREMENTS.

26 a. TEMPORARY STOCKPILES AND BORROW AREAS USED DURING
27 ACTIVE CONSTRUCTION OR TO PROVIDE STORAGE OR MATERIAL BETWEEN
28 PHASES OR CONSTRUCTION SHALL:

29 1. HAVE SLOPES NO STEEPER THAN TWO (2) FEET
30 HORIZONTAL TO ONE (1) FOOT VERTICAL.

31 2. BE PERMANENTLY STABILIZED IF INACTIVE FOR
32 LONGER THAN NINETY (90) DAYS.

1 3. NOT EXIST LONGER THAN TWO (2) YEARS FROM
2 INITIAL PLACEMENT OR EXTRACTION. AN EXTENSION MAY BE REQUESTED
3 FOR AN ADDITIONAL YEAR, PROVIDED THE ASSOCIATED BOND IS MAINTAINED
4 AND IT CAN BE SHOWN THAT THE TEMPORARY STOCKPILE OR BORROW AREA
5 WILL BE INCORPORATED INTO PERMANENT GRADING OR CONVERTED TO A
6 PERMANENT STOCKPILE OR BORROW AREA WITHIN ONE (1) YEAR.

7
8 4. HAVE INSTITUTED SEDIMENT CONTROLS AS REQUIRED
9 BY AN APPROVED EROSION AND SEDIMENT CONTROL PLAN DURING ITS
10 EXCAVATION OR PLACEMENT.

11 5. POST A PERFORMANCE BOND PRESCRIBED IN SECTION
12 10-12 OF THIS ARTICLE.

13 6. SHALL HAVE LOCATION APPROVAL BY THE DEPARTMENT
14 PRIOR TO EXCAVATION OR PLACEMENT.

15 b. PERMANENT STOCKPILES OR BORROW AREAS SHALL:

16 1. HAVE SLOPES NO STEEPER THAN FOUR (4) FEET
17 HORIZONTAL TO ONE (1) FOOT VERTICAL.

18 2. NOT EXCEED FIFTEEN (15) FEET IN HEIGHT.

19 3. BE PERMANENTLY STABILIZED WITH A LOW MAIN-
20 TENANCE GROUND COVER.

21 4. SHALL BE LANDSCAPED TO BLEND INTO EXISTING
22 NATURAL SURROUNDINGS. ON STOCKPILES HIGHER THAN SIX (6) FEET
23 TALL, PLANTINGS OF PINE AND DECIDUOUS TREES EACH NOT LESS THAN
24 THREE (3) FEET HIGH WHEN PLANTED WILL BE PROVIDED PER A LANDSCAP-
25 ING PLAN APPROVED BY THE DEPARTMENT.

26 5. BE PLACED IN A LOCATION APPROVED BY THE
27 DEPARTMENT.

28 6. HAVE SEDIMENT CONTROLS INSTALLED AS REQUIRED BY
29 AN APPROVED EROSION AND SEDIMENT CONTROL PLAN DURING PLACEMENT OR
30 EXCAVATION.

1 e- EXISTING QUARRIES, SURFACE MINES, SAND AND GRAVEL
2 PITS, RUBBLE FILLS AND LANDFILL OPERATIONS, OPERATING UNDER STATE
3 AND LOCAL REGULATIONS SHALL BE EXEMPT FROM THE REQUIREMENTS OF
4 THIS-PARAGRAPH.

5 c. QUARRIES, SURFACE MINES, SAND AND GRAVEL PITS,
6 RUBBLE FILLS AND LANDFILL OPERATIONS OPERATING UNDER STATE AND
7 LOCAL REGULATIONS SHALL BE EXEMPT FROM THE REQUIREMENTS OF THIS
8 PARAGRAPH. THOSE AREAS ZONED COMMERCIAL INDUSTRIAL "CI" AND
9 GENERAL INDUSTRIAL "GI" AS DEFINED BY HARFORD COUNTY DEVELOPMENT
10 REGULATIONS SHALL ALSO BE EXEMPT FROM THE PROVISIONS OF THIS
11 SUBSECTION, PROVIDED ANY STOCKPILE ESTABLISHED HAS A PERMANENT
12 EROSION RESISTANT FORM OF STABILIZATION AND ALL SLOPES DO NOT
13 EXCEED TWO (2) FEET HORIZONTAL TO ONE (1) FOOT VERTICAL.

14 d. THOSE PROJECTS HAVING PRELIMINARY PLAN APPROVAL BY
15 THE EFFECTIVE DATE OF THIS ARTICLE AND THOSE PROJECTS RECEIVING
16 PRELIMINARY PLAN APPROVAL BY APRIL 30, 1986 AND OBTAINING A
17 GRADING PERMIT BY OCTOBER 31, 1986 SHALL BE EXEMPT FROM THE
18 PROVISIONS OF THIS SUBSECTION.

19 Section 10-[18]19. Completion.

20 Immediately upon completion of the project, the permit holder
21 shall notify the Department. The Department shall make a final
22 inspection and shall prepare a final inspection report, a copy of
23 which shall be submitted to the District.

24 If, upon final inspection of any work it is found by the
25 Department that the work subject to inspection has been satisfac-
26 torily completed in accordance with the requirements of this
27 Article, the permit, conditions, plans, drawings and specifi-
28 cations as the case may be, and the required reports have been
29 submitted, a completion certificate covering such work shall be
30 issued to the owner by the Department. The performance bond will
31 be returned at this time.
32

85-47

AS AMENDED

1 Section 10-[19]20. Protection to Adjacent Property During Exca-
2 vation.

3
4 No person shall excavate on land sufficiently close to the
5 property line of another to endanger any adjoining property,
6 public street, sidewalk, alley or other public or private property
7 without supporting and protecting such public street, sidewalk,
8 alley or other property from settling, cracking or other damage
9 which might result from excavation. If, in the opinion of the
10 Director, the nature of the excavation is such as to create a
11 hazard to life or property unless adequately safeguarded, the
12 applicant shall construct such walls, fences, guard rails or other
13 structures to safeguard the public street, sidewalk, alley or
14 other property and persons using such, as the Director may
15 require.

16 Section 10-[20]20.1. Deposits of Soils, Material or Liquid
17 Prohibited.

18 (a) No person shall engage in any land disturbing activity
19 or by any action cause or permit any soil, earth, sand, gravel,
20 rock, stone or other material or liquid to be deposited upon or to
21 roll, flow or wash upon or over the premises of another in a
22 manner to cause damage to such premises without the express
23 consent of the owner of such premises affected; no person shall
24 engage in any land disturbing activity or by any action cause or
25 permit any soil, earth, sand, gravel, rock, stone or other
26 material or liquid to be deposited or to roll, flow or wash upon
27 or over any public street, street improvement, road, sewer storm
28 drain, watercourse or right-of-way, or any public or private
29 property in a manner to damage or to interfere with the use of
30 such property.

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32 85-47

AS AMENDED

85-47

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1 (b) No person shall, when hauling soil, earth, sand, gravel,
2 rock, stone or other material over any public street, road,
3 alley, or public property allow such materials to blow or spill
4 over and upon such street, road, alley or public property or
5 adjacent private property.

6 (c) If any soil, earth, sand, gravel, rock, stone or other
7 material or liquid is caused to be deposited upon or to roll, flow
8 or wash upon any public or private property in violation of
9 Subsection (a) and (b) above, the person responsible shall be
10 notified and shall cause it to be removed from such property
11 within thirty-six (36) hours. In the event of an immediate danger
12 to the public health or safety, notice shall be given by the most
13 expeditious means, and the material or liquid shall be removed
14 immediately. In the event it is not so removed, the Department
15 shall cause such removal, and the cost of such removal by the
16 Department shall be paid to the County by the person who failed to
17 so remove the material and shall be a debt due to the County. The
18 cost of such removal shall be a lien upon all property and all
19 rights to property, real or personal, of any person liable to pay
20 the same from and after the time such cost is due and payable. The
21 cost of such removal shall be listed on the tax bill and shall be
22 collected in the manner of such taxes; provided, however, that
23 nothing contained in this section shall be interpreted as
24 prohibiting the Department from proceeding directly with
25 alternative enforcement procedures set forth in Section 10-11 and
26 10-20.5 or declaring a forfeiture of the posted security to the
27 extent of the cost insured by the County. Failure of the surety
28 or permit holder from honoring the demands of the County for the
29 costs incurred shall automatically operate as a termination of all
30 permits issued by Harford County to the permit holder, his
31 predecessors, successors and assigns interest.
32

85-47

AS AMENDED

1 Section 10-[21]20.2. Rules and Regulations.

2 (a) The Director may establish rules and regulations for the
3 administration of the provisions of this Article in accordance
4 with Section 807 of the Harford County Charter, with opportunity
5 for full participation from the recommendations from the District
6 prior to a public hearing being held. Such rules and regulations
7 and amendments thereto shall not conflict with nor waive any
8 provisions of this Article nor be less restrictive than its
9 provisions.

10 (b) Regulations promulgated pursuant to this Article shall
11 include, but not be limited to, the following provisions:

12 (1) Maximum duration of exposure.

13 (2) Protection of critical slopes.

14 (3) On-site drainage controls.

15 (4) Protection of specimen trees.

16 SECTION 10-[21.1]20.3. COMPLAINTS.

17 THE DEPARTMENT SHALL RECEIVE COMPLAINTS AND INITIATE
18 ENFORCEMENT PROCEDURES WHEN VIOLATIONS ARE CONFIRMED. ANY
19 COMPLAINT RECEIVED SHALL BE ACTED UPON ROUTINELY WITHIN THREE (3)
20 WORKING DAYS, AND THE COMPLAINANT SHALL BE NOTIFIED OF ANY ACTION
21 OR PROPOSED ACTION ROUTINELY WITHIN SEVEN (7) WORKING DAYS OF
22 RECEIPT OF THE COMPLAINT.

23 Section 10-[22]20.4. Exemptions.

24 The provisions of Sections 10-12, 10-13, 10-14, and the
25 criminal provisions of Section 10-20.5 shall not apply to
26 municipal corporations, County or State agencies within the State
27 or any public service company as defined in Article 78, Section
28 2(O) of the Annotated Code of Maryland, 1980, as amended, or any
29 combination thereof.

Section 10-[23]20.5. Penalties.

(a) Any person convicted of violating the provisions of this Article shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than one thousand dollars (\$1,000.00) for each and every violation. Each day that the violation continues shall be a separate offense. In addition thereto, the County may institute injunctive, mandamus or any other appropriate action or proceedings at law or equity for the enforcement of this Article or to correct violations of this Article, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions or mandamus or other appropriate forms of remedy or relief.

(b) In addition to the above-enumerated penalties, the County may, if it finds a violation of this Article, withhold any building permits of the violator and/or issue stop work orders on work being done pursuant to a County building permit.

(c) ANY AGENCY WHOSE APPROVAL IS REQUIRED UNDER THIS ORDINANCE OR ANY INTERESTED PERSON MAY SEEK INJUNCTIVE RELIEF AGAINST ANY PERSON WHO VIOLATES OR THREATENS TO VIOLATE ANY PROVISION OF THIS ARTICLE.

(d) IN ADDITION TO ANY OTHER SANCTION UNDER THIS ORDINANCE, A PERSON WHO FAILS TO INSTALL OR TO MAINTAIN EROSION AND SEDIMENT CONTROLS IN ACCORDANCE WITH AN APPROVED PLAN SHALL BE LIABLE TO THE COUNTY OR THE STATE IN A CIVIL ACTION FOR DAMAGES IN AN AMOUNT EQUAL TO DOUBLE THE COST OF INSTALLING OR MAINTAINING THE CONTROLS.

(e) IF THE COUNTY RECOVERS DAMAGES IN ACCORDANCE WITH THIS SUBSECTION SHALL DEPOSIT THEM IN A SPECIAL ESCROW ACCOUNT TO BE USED SOLELY FOR:

(1) CORRECTING TO THE EXTENT POSSIBLE THE FAILURE TO IMPLEMENT OR MAINTAIN EROSION AND SEDIMENT CONTROLS; AND

(2) ADMINISTRATION OF THE SEDIMENT CONTROL PROGRAM.

Section 2. And Be It Further Enacted, that this act is hereby
declared to be an Emergency Act, necessary so that the Harford
County Sediment Control Ordinance is in compliance with State law,
and this act shall take effect on the date it becomes law.

EFFECTIVE: November 13, 1985

85-47

AS AMENDED

BY THE COUNCIL

BILL NO. 85-47 (as amended)

Read the third time.

Passed LSD 85-32 (November 12, 1985) (with amendments)

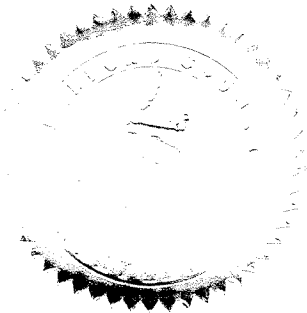
Failed of Passage

By order

Angela Markowski, Secretary

Sealed with the County Seal and presented to the County Executive
for his approval this 13th day of November, 1985
at 3:00 o'clock P.M.

Angela Markowski, Secretary



BY THE EXECUTIVE

APPROVED:

[Signature]
County Executive

Date 11-13-85

BY THE COUNCIL

This Bill (No. 85-47, as amended), having been approved by
the Executive and returned to the Council, becomes law on
November 13, 1985.

Angela Markowski, Secretary

EFFECTIVE DATE: November 13, 1985

85-47

AS AMENDED